

REMARKS

Claims 1, 5-7, 9, 10, 14, 18, and 36 have been amended. Claims 4, 16, and 17 have been cancelled. Claims 1, 5-7, 9-15, 18-40 remain pending. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

35 U.S.C. §103

Claims 1, 4-7, 9-15, and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Tremain, U.S. Application No. 2002/0069369 (“Tremain”) in view of Bandhole et al., U.S. Application No. 2002/0171678 (“Bandhole”), and further view of Nanja, U.S. Patent No. 7,065,637 (“Nanja”).

Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Tremain in view of Bandhole, further in view Nanja, and further view of Hui, U.S. Application No. 2003/0220983 (“Hui”).

Claims 18-22, 29, and 36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Banka et al., U.S. Patent No. 7,003,481 (“Banka”) in view of Bandhole, further view of Nanja, and further view of Hui.

Claims 23-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Banka, in view of Bandhole, further in view of Nanja, further in view of Hui, and further in view of Tremain

Claims 27-28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Banka, in view of Bandhole, further in view of Nanja, further in view of Hui,

further in view of Tremain, and further in view of Forster, U.S. Application No. 4004/0220980 (“Forster”).

Claims 30-35 and 37-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Banka, in view of Bandhole, further in view of Nanja, further in view of Hui, and further in view of Whitney, U.S. Application No. 2003/0115442 (“Whitney”). Applicant respectfully traverses these rejections.

Without conceding the propriety of these rejections, and for the sole purpose of expediting allowance of this application, Applicant has amended Claims 1, 18, and 36 as discussed during the interview and these claims are believed to be allowable.

The Claims

Claim 1 recites an apparatus for providing virtual computing services to subscribers on a subscription basis, said apparatus comprising [added language is indicated in bold italics]:

- a server computer configured to:
- provide first computing services to a first subscriber of a plurality of subscribers enrolled in a subscription-based services program for the receipt of computing services;
- provide second computing services to a second subscriber of said plurality of subscribers enrolled in said subscription-based services program for the receipt of computing services; and
- output a user interface having one or more user selectable portions to enable subscriber selection of configuration options for respective computing services comprising at least:
 - selection of a virtual non-volatile storage capacity from at least two virtual non-volatile storage capacity configuration options; [and]

- selection of an operating system from at least two operating system options, said server computer configured to install the selected operating system to a virtual non-volatile storage having the selected storage capacity to provide respective computing services; [and]
- *selection of one or more application computer software programs from a plurality of application computer software programs, said server computer is further configured to configure the virtual non-volatile storage with a selected application computer software program selected by said first subscriber; and*
- *selection of whether the server computer is to update the selected operating system and the one or more application computer software program when operating system and application computer software program updates are available; and*
- *enable access to said virtual non-volatile storage via said server computer during a communication session, wherein the server computer is configured to use information identifying a type of subscriber device to determine a user interface to be displayed on the subscriber device and used by the subscriber to access the virtual non-volatile storage;*
- wherein said server computer comprises a first virtual non-volatile storage associated uniquely with said first subscriber to provide said first computing services and a second virtual non-volatile storage associated uniquely with said second subscriber to provide said second computing services, said first virtual non-volatile storage being configured according to a first selected virtual non-volatile storage capacity, [and] a first selected operating system, *a first selected application computer software program, and a first selected update selection* based upon configuration options selected by said first subscriber, and said second virtual non-volatile storage being configured according to a second selected virtual non-volatile storage capacity , [and a second selected operating system, *a second selected application computer software program, and a second selected update selection* based upon configuration options selected by said second subscriber.

Support for these claim amendments can be found in cancelled Claims 4,

16, and 17, and at Page 31, lines 20-29 of the Applicant's Specification.

Specifically, “[i]f the host server 104 receives only data identifying the type of the subscriber device 108, the host server 104 uses such data to determine, at step 1106, the user interface (*e.g.*, Microsoft Windows user interface, Microsoft Windows Mobile user interface, or any other user interface) to be displayed on the subscriber device 102 and used by the subscriber to access and use his/her virtual non-volatile storage 108. Accordingly, “wherein the server computer is configured to use information identifying a type of subscriber device to determine a user interface to be displayed on the subscriber device and used by the subscriber to access the virtual non-volatile storage” is supported by the Applicant’s Specification.

In the interview, Examiner Shaw agreed that these amendments overcame the present rejections. Applicant respectfully submits that, as discussed in the interview and acknowledged by the Examiner, the cited references fail to disclose, teach, or suggest the subject matter of Claim 1.

Claims 5-7 and 9-15 depend from Claim 1 and are allowable by virtue of their dependency from Claim 1, as well as for the additional features that they recite.

Claim 18 recites a method for providing subscription-based virtual computing services to a subscriber, the method comprising the steps of [added language is indicated in bold italics]:

- enrolling a subscriber in a subscription-based computing services program for the provision of virtual computing services to the subscriber under the subscription-based

computing services program through a virtual non-volatile storage allocated uniquely to the subscriber and accessible to the subscriber via a server computer during a communication session between the server computer and a subscriber device used by the subscriber, the virtual computing services corresponding to configuration options selectable by the subscriber;

- exposing a user interface having a plurality of portions selectable by the subscriber to specify the configuration options for the virtual computing services including a least:
 - a portion selectable to specify a storage capacity of the virtual non-volatile storage from at least two storage capacity options;
 - a portion selectable to specify an operating system from at least two operating system options, said server computer operable to install a selected operating system to the virtual non-volatile storage to provide the virtual computing services; and
 - a portion selectable to specify whether the server computer is to ***update the selected operating system when operating system updates become available***;
- enabling access to and use of the virtual non-volatile storage via the server computer during a communication session between the server computer and the subscriber device, ***wherein the server computer is configured to use information identifying a type of subscriber device to determine a user interface to be displayed on the subscriber device and used by the subscriber to access the virtual non-volatile storage***; and
- charging the subscriber in accordance with selected configuration options received from the subscriber.

As discussed, support for these claim amendments can be found at Page 31, lines 20-29 of the Applicant's Specification. Specifically, "[i]f the host server 104 receives only data identifying the type of the subscriber device 108, the host server 104 uses such data to determine, at step 1106, the user interface (e.g., Microsoft Windows user interface, the Microsoft Windows Mobile user interface, or any

other user interface) to be displayed on the subscriber device 102 and used by the subscriber to access and use his/her virtual non-volatile storage 108. Accordingly, “wherein the server computer is configured to use information identifying a type of subscriber device to determine a user interface to be displayed on the subscriber device and used by the subscriber to access the virtual non-volatile storage” is supported by the Applicant’s Specification.

In the interview, Examiner Shaw agreed that these amendments overcame the present rejections. Applicant respectfully submits that, as discussed in the interview and acknowledged by the Examiner, the cited references fail to disclose, teach, or suggest the subject matter of Claim 18.

Claims 19-35 depend from Claim 18 and are allowable by virtue of their dependency from Claim 1, as well as for the additional features that they recite.

Claim 36 recites a computer-readable medium having computer-executable instructions for providing subscription-based virtual computing services to a subscriber, the computer-executable instructions for performing steps comprising [added language is indicated in bold italics]:

- enrolling a subscriber for the provision of virtual computing services to said subscriber through a virtual non-volatile storage allocated uniquely to said subscriber and accessible to said subscriber via a server computer during a first communication session between said server computer and a subscriber device used by said subscriber, said virtual computing services corresponding to configuration options selectable by said subscriber;

- exposing a user interface having a plurality of portions selectable by the subscriber to specify the configuration options for the virtual computing services including a least:
 - a portion selectable to specify a storage capacity of the virtual non-volatile storage from at least two storage capacity options;
 - a portion selectable to specify an operating system from at least two operating system options, said server computer operable to install a selected operating system to the virtual non-volatile storage having the selected storage capacity to provide the virtual computing services;
 - a portion selectable to specify whether the server computer is *to update the selected operating system when operating system updates become available*; and
 - a portion selectable to specify when the server computer is to perform backups of the virtual non-volatile storage;
- enabling access to and use of said virtual non-volatile storage via said server computer during a subsequent communication session between said server computer and a subscriber device, *wherein the server computer is configured to use information identifying a type of subscriber device to determine a user interface to be displayed on the subscriber device and used by the subscriber to access the virtual non-volatile storage*; and
- charging said subscriber a subscription fee in an amount related to selected configuration options received from said subscriber.

As discussed, support for these claim amendments can be found at Page 31, lines 20-29 of the Applicant's Specification. Specifically, "[i]f the host server 104 receives only data identifying the type of the subscriber device 108, the host server 104 uses such data to determine, at step 1106, the user interface (e.g., Microsoft Windows user interface, the Microsoft Windows Mobile user interface, or any other user interface) to be displayed on the subscriber device 102 and used by the subscriber to access and use his/her virtual non-volatile storage 108. Accordingly, "wherein the server computer is configured to use information identifying a type

of subscriber device to determine a user interface to be displayed on the subscriber device and used by the subscriber to access the virtual non-volatile storage” is supported by the Applicant’s Specification.

5 In the interview, Examiner Shaw agreed that these amendments overcame the present rejections. Applicant respectfully submits that, as discussed in the interview and acknowledged by the Examiner, the cited references fail to disclose, teach, or suggest the subject matter of Claim 36.

Claims 37-40 depend from Claim 36 and are allowable by virtue of their dependency from Claim 1, as well as for the additional features that they recite.

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Conclusion

Applicant respectfully submits that Claims 1, 5-7, 9-15, 18-40 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter remain unresolved, the undersigned respectfully requests a telephone conference with the Examiner to resolve any outstanding matter.

Respectfully Submitted,

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